IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 503 of 2001

to

FIRST APPEALNo 514 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE J.R.VORA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

O N G C

Versus

SPL.LAQ OFFICER

Appearance:
MR AJAY R MEHTA for appellants
Mr.Umesh Trivedi, learned A.G.P. for respondent No.1
MR AJ PATEL for Respondent No. 2

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE J.R.VORA

Date of decision: 07/02/2001

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

Admit. Issue notice. Mr.Umesh Trivedi, learned A.G.P. accepts the notice on behalf of respondent No.1 and waives service. Mr.A.J.Patel appearing on behalf of respondent No.2 accepts the notice and waives the service. On the request of both the sides, the matters are taken up for final hearing right today. It is requested by both the sides that the matters are fully covered by decisions of this Court rendered in group of First Appeals Nos. 3548 to 3561 of 2000 and First Appeals Nos.3562 to 3575 of 2000 decided on 21.12.2000.

All these 12 First Appeals are directed against the judgment and order dated 31.1.2000 passed by the Civil Judge (S.D.), Surat in Land Reference Cases Nos.462 to 473 of 1987, Land Acquisition Case No.472/87 being the main case. The lands of the claimants of village Kavas, Taluka Choriyasi, District Surat were sought to be acquired at the instance of ONGC for the ONGC Project, Surat. For that purpose Notification under Sec.4 was issued on 4.11.82 and, thereafter, Notification under Sec.6 was issued on 2.4.83. The land owners claimed compensation at the rate of Rs.40/-- per sq.mt. However, Land Acquisition Officer passed the Award on 7.3.86 determining the rate of compensation as Rs.5.25 Ps. to Rs.5.50 Ps.per sq.mt. The matter was taken for Reference under Sec.18 of the Land Acquisition Act and the Reference Court has decided the rate of compensation as Rs.17/-- per sq.mt. The Reference Court passed the impugned judgment and order on the basis of the Village Forms 7/12 Exhs.22 to 26 and previous judgments of the Reference Court with regard to the same village or adjoining village at Exhs.27 to 33. It is given out by the learned counsel for the appellants that the lands of another adjoining village Bhatpore had also been acquired for the same purpose for ONGC and in those cases when the matters came up before this Court in Group of First Appeals Nos.3548 to 3561 of 2000 and yet another group of First Appeals Nos.3562 to 3575 of 2000 decided on 21.12.2000, the Division Bench reduced the rate of compensation from Rs.17/-- to Rs.13.50 Ps. per sq.mt. Both the sides submit that in this group of Appeals also the rate be reduced from Rs.17/-- to Rs.13.50 Ps. per sq.mt. Accordingly, the rate of compensation, as was determined by the Reference Court at Rs.17/-- per sq.mt., is hereby reduced to Rs.13.50 Ps. per sq.mt., at which the compensation is to be paid to the claimants. The

impugned judgment and order stands modified accordingly to this limited extent only.

All these 12 Appeals are partly allowed, as above, with no order as to costs.

Learned counsel for the appellants has submitted that due amount shall be deposited within a period of three months from the date the certified copy of this judgment is served upon the concerned authority by either of the parties.

(M.R.Calla,J)

(J.R.Vora,J)